

**Nov 27, 2017**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

BECKY LOUPEE,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:17-cv-03073-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 14, 19**

BEFORE THE COURT is the parties' Stipulated Motion for Remand (ECF No. 19) of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Catherine Escobar represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8. After considering the file and proposed order, **IT IS HEREBY**

**ORDERED:**

1. The parties' Stipulated Motion for Remand (**ECF No. 19**) is

**GRANTED.**

1           2. The above-captioned case is **REVERSED** and **REMANDED** to the  
2 Commissioner of Social Security for further administrative proceeding pursuant to  
3 sentence four of 42 U.S.C. § 405(g).

4           The parties agree on and the Court **ORDERS** the following terms:

5           On remand, the Appeals Council will first determine whether the record  
6 supports a finding of disability at a date prior to February 23, 2015.<sup>1</sup> If further  
7 development is warranted, the Appeals Council will affirm the finding of disability  
8 as of February 23, 2015, and remand the case to the Administrative Law Judge to  
9 offer Plaintiff an opportunity for a new hearing. The ALJ shall also (1) reevaluate  
10 the opinions provided by Mary Pellicer, M.D. and William Drenguis, M.D.,  
11 pursuant to the provisions of 20 C.F.R. §§ 404.1527 and 416.927; (2) give further  
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13           <sup>1</sup> The Social Security regulations governing sentence four remands provide the  
14 Appeals Council with discretion to determine whether it or the ALJ should make  
15 the decision when a case is remanded: “When a Federal court remands a case to the  
16 Commissioner for further consideration, the Appeals Council, acting on behalf of  
17 the Commissioner, may make a decision, or it may remand the case to an  
18 administrative law judge with instructions to take action and issue a decision or  
19 return the case to the Appeals Council with a recommended decision.” 20 C.F.R. §  
20 404.983, 416.1483. This Order is consistent with the supervisory administrative  
discretion these regulations accord the Appeals Council in the manner it processes  
remand orders.

1 consideration to Plaintiff's maximum residual functional capacity; and, (3) as  
2 warranted, obtain supplemental evidence from a vocational expert at step 5. ECF  
3 No. 19 at 1-2.

4 3. Judgment shall be entered for **PLAINTIFF**.

5 4. Plaintiff's Motion for Summary Judgment (**ECF No. 14**) is **STRICKEN**  
6 **AS MOOT**.

7 5. Upon proper presentation, this Court will consider Plaintiff's application  
8 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

9 The District Court Executive is directed to enter this Order, **enter**  
10 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

11 DATED November 27, 2017.

12 s/Mary K. Dimke  
13 MARY K. DIMKE  
14 UNITED STATES MAGISTRATE JUDGE  
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